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10/014,848	12/11/2001	James Richard Graham	W00536/70005 PCL	1841

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EXAMINER	
LANGEL, WAYNE A	

ART UNIT	PAPER NUMBER
1754	

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/014848

Applicant(s)

Graham et al

Examiner

Langel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 10-14-03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-45 and 55-68 is/are pending in the application.

Of the above claim(s) 5-37 and 62-65 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 38-45, 55-61 and 66-68 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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Applicant's traverse of the restriction requirement has been reconsidered, and is deemed partially persuasive. Claims 5-25 are rejoined with claims 26-37 and 62-65 as being drawn to a method for making an activated carbon matrix, and claims 1-4 are considered to be linking between claims 5-37 and 62-65, which are drawn to a method for making an activated carbon matrix, and claims 38-45, 55-61 and 66-68, drawn to a method for removing odorous compounds from a gaseous stream. Accordingly the modified restriction is as follows.

Group I - claims 5-37 and 62-65.

Group II - claims 38-45, 55-61 and 66-68.

Claims 1-4 are linking between the inventions of Groups I and II, and are being examined along with the claims of Group II

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 38-45, 55-61 and 66-68 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese 7-313,867.

Japanese 7-313,867 is relied upon as discussed in the last Office action. It would be prima facie obvious to provide the metal oxide in an amount of about 3% to about 15% by weight of the carbon in the composition disclosed by Japanese 7-313,867.

Applicant's argument, that Japanese '867 does not disclose an activated carbon-metal oxide matrix, wherein the metal oxide is uniformly dispersed within the matrix, is not convincing. The activated carbon-metal oxide matrix of applicant's invention is formed by mixing a ground carbon and metal oxide to form a mixture and extruding the mixture to form an extrudate. The composition of Japanese '867 is formed by mix-kneading activated carbon with a metal oxide. Webster's New Collegiate Dictionary defines "knead" as "to form or shape by or as if by kneading", and defines "extrude" as "to shape by forcing through a die". No distinction is seen between a composition formed by "kneading" and one formed by "extruding", since both steps involve a shaping step to form the composition. Applicant is invited to provide evidence showing that a composition formed by "kneading" would be different from one which is formed by "extruding". Applicant's argument, that the process for forming the activated carbon-metal oxide matrix of applicant's invention includes the steps of carbonizing the extrudate to form a carbonaceous mixture, and activating the carbonaceous mixture to form the matrix, is not

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convincing, since the steps of carbonizing and activating are not recited in claims 1-4, 38-45, 55-61 and 66-68.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (571) 272-1353. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

December 23, 2003

**WAYNE A. LANGEL  
PRIMARY EXAMINER**